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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,097	01/18/2002	Osamu Fukushima	1259-0220P	6549

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EXAMINER

LETT, THOMAS J

ART UNIT PAPER NUMBER

2626

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,097

Applicant(s)

FUKUSHIMA ET AL.

Examiner

Thomas J. Lett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12 December 2005 have been fully considered but they are not persuasive. Applicant argues that the prior art publication of Haneda et al does image synthesis in only one mode. Examiner submits that Haneda teaches image synthesis in an overlay mode as discussed in para. 0133 "the subject image ... is overlaid on the template image, to produce the composite image". In addition, Haneda teaches image synthesis in an inlay mode as discussed in para. 0160 "inlaying of subject image on a template image". The overlapping of images and inlaying of images indicates more than one mode and are discussed in Haneda as two different scenarios of arranging image layers to form a composite image.

Applicant also argues that the MPU 30 cannot perform switching between the two modes of inlaying and overlaying of image data. The MPU 30 supervises the whole of the image file printing apparatus (para. 0102). If a user decides to perform the overlay operation of para. 0133 and/or the inlay operation of para. 0165, the MPU 30 will supervise the operation as requested by a user using the touch panel 32 that is connected to the MPU 30 (para. 0105).

Drawings

2. The drawings are objected to because element 25 of Fig. 2 should read "IMAGE SYNTHESIZER". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any

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amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Haneda et al (USPGPub 20040223168 A1).

With respect to claim 1, Haneda et al disclose an image synthesizing apparatus for synthesizing a subject image with at least an additional image to produce a composite image, comprising:

an image input device (image filing and printing apparatus, para. 0099) for inputting image data of said subject image into a memory (image memory 35, para. 0103) ;

an image processing device (photo-joy printing service, para. 0099) for processing said image data to synthesize said subject image with at least an additional image; and

a mode switching device (MPU 30, which controls the apparatus, when the selection of the subject images to be synthesized (*reads on overlay mode*) by the user has been completed, the display screen of the display device 33 is switched to an inlaying screen, para. 0165) for switching over said image synthesizing apparatus between an overlay mode (para. 0133, line 2- line 5) and an inlay mode, wherein, in said overlay mode, said image data of said subject image is input into said memory in a size corresponding to a designated print size of said composite image (para. 0133, line 8- line 11), and at least an additional image is overlaid on a predetermined portion of said subject image (see Fig. 12), whereas, in said inlay mode, a mount area is defined in said memory in correspondence with a designated print size of said composite image (a portion of the range of the subject image to be synthesized (the synthesis definition range) is extracted and synthesis processing is performed on the basis of the designation of the position and the information relating to the alignment which are

obtained in the image synthesis on the display device 33, para. 0168), and said subject image and at least an additional image are inlaid in those ranges which are defined in variable sizes at appropriate locations within said mount area (see Fig. 23 showing controls such as enlargement and multisize),

wherein in said overlay mode, said at least an additional image is equal to said subject image in size (see Fig. 12 as well as defining size information of images in para. 0125), and a reference point of said at least an additional image overlaps an origin of said subject image (Haneda teaches using a synthesis definition wherein a reference point (0,0) and other positional information is used when overlapping images to produce a composite image (para. 0124 and 0128).

With respect to claim 2, Haneda et al disclose an image synthesizing apparatus as recited in claim 1, wherein said image processing device processes said image data of said subject image on the basis of a template selected from among a plurality of templates (one kind of template image is selected among a plurality kinds of template images. A subject image is synthesized on the selected template image, para. 0116).

With respect to claim 3, Haneda et al disclose an image synthesizing apparatus as recited in claim 2, wherein said templates comprise templates which are prepared in correspondence with a plurality of kinds of additional images available in said overlay mode, and templates for use in said inlay mode each of which is produced for each composite image to define the print size of said composite image, and the sizes and locations of said subject image and at least an additional image within said composite image (each of the template image data recording area for image display and the

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template image data recording area for printing is further divided into recording areas depending on the kind of template image. Template image data corresponding to the kind of template is stored in each of the areas, para. 0116, lines 4-10, **and** a decoration template includes types depending on the number of subject images and whether the subject images are displayed longitudinally or laterally. Template image data is stored for each type, para. 0117).

With respect to claim 4, Haneda et al disclose an image synthesizing apparatus as recited in claim 3, wherein said additional images available for said overlay mode comprise those images which are each constituted of a transparent portion for partly exposing said subject image and an ornamental image portion to be superimposed on said subject image (magnetic information recording areas 3a and 3c are also provided by applying a transparent magnetic material on a film. The magnetic information recording areas 3a and 3b, provided on the other side of the photographic film 1 are generally used for recording information in response to entry by a user, para. 0075-0076).

With respect to claim 5, Haneda et al disclose an image synthesizing apparatus as recited in claim 4, wherein said ornamental image portions comprise images to frame said subject image (magnetic information recording areas (frame information recording areas) 3b and 3d provided in correspondence to each of the image recording areas 4 are used for recording information (frame information) relating to an image recorded, para. 0077).

With respect to claim 6, Haneda et al disclose an image synthesizing apparatus as recited in claim 2, wherein said templates comprise templates defining at least a character inlaying range for inlaying characters in said composite image (see Fig. 10, specifically the “x,y” location of the template “Title Display” characters which is inlaid in the composite image).

With respect to claim 7, Haneda et al disclose an image synthesizing apparatus as recited in claim 2, wherein when the same template is selected to be used for a plurality of subject images in said overlay mode, said image input device inputs image data of said plurality of subject images in continuous succession in response to a command, and said image processing device processes said image data of said subject images on the basis of said same template to produce a plurality of composite images successively (when there is a plurality of subject images to be synthesized, the processing is repeated, para. 0168).

With respect to claim 8, Haneda et al disclose an image synthesizing apparatus as recited in claim 1, wherein said image input device comprises a scanner (scanner 42, para. 0106) for picking up image data from an original.

With respect to claim 9, Haneda et al disclose an image synthesizing apparatus as recited in claim 8, wherein said scanner comprises a film scanner (film scanner of Fig. 4, and see para. 0088-0094) that picks up image data from pictures photographed on a photographic film.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blank (USPN 5,469,536) disclose an image editing system for constructing composite images.

Romano et al (USPN 5,920,685) disclose a printing system, for merging a scanned image with a merge image to produce a composite image.

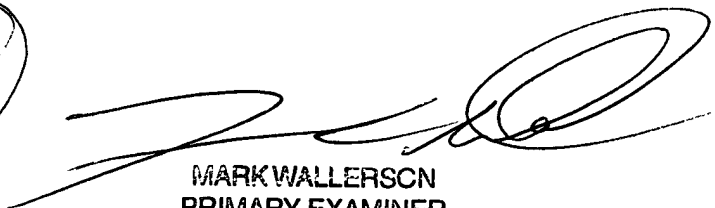
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Lett whose telephone number is (571) 272-7464. The examiner can normally be reached on 7-3:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJL



MARK WALLERSON
PRIMARY EXAMINER